

PROCESS FOR ADMINISTRATIVE VARIANCES

The Annapolis City Code empowers the Director of Planning & Zoning to grant administrative variances provided the objectives of the City Code will not be jeopardized and no citizen objections are made known. Administrative variances may be granted in the following three areas:

1. Under Section 21.88.010 (H) to allow, in the case of an individual residential lot, a tolerance of up to twenty (20) percent of the established yard (setback) requirements.
2. Under Section 21.67.160 (A) to allow in the case of an individual lot, a tolerance of up to twenty (20) percent of the established impervious surface requirements.
3. Under Section 21.67.160 (B) to allow in the case of residential structures currently located within the designated one-hundred-foot critical area buffer, an expansion of these structures; provided, that the expansion occurs parallel to the shoreline and does not further encroach into the waterway yard.

SUBMITTAL REQUIREMENTS

The following items shall be submitted for an administrative variance:

1. An Administrative Variance Application form.
2. A written response to each of the criteria used in evaluating a variance request.
3. A current location survey or site plan and building elevations showing existing and proposed improvements (house, driveway, detached garage) and yard setbacks.
4. A vicinity map (at a scale of 1:40 obtainable from the Survey Office) showing the location of this property in relation to others in the neighborhood.
5. A topographic map (at a scale of 1:200 obtainable from the Survey Office), if applicable, indicating any site features such as steep slopes, large trees, easements, etc. that effect the requested variance.
6. An application fee of \$35.00 (includes a \$10.00 fee for a public notice sign).
7. The applicant will obtain from the Planning & Zoning Department a Public Notice Sign to post on the property for a period of 15 days.

STANDARDS USED IN EVALUATING A VARIANCE REQUEST

In evaluating administrative variances the following standards (Section 21.80.030) are reviewed. A written response to each of the criteria is required and should be attached to the application. The standards include the following:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result as distinguished from a mere inconvenience if the strict letter of the regulations were carried out.
2. The conditions upon which a petition for a variation is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of the variance is not based exclusively upon a desire to increase financial gain.
4. The alleged difficulty or hardship is caused by this chapter and has not been created by any persons presently having an interest in the property.
5. The granting of this variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

In the case of an administrative variance to the impervious surface area or the 100-foot critical area buffer the following additional criterion (Section 21.67.150(G)) needs to be addressed:

7. The granting of the variance will not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the city's critical area, and that the granting of the variance will be in harmony with the general spirit and intent of the critical area law and regulations.

APPLICATION FOR AN ADMINISTRATIVE VARIANCE

Property Owner/Applicant: _____

Phone Number: _____

Address: _____

Address of Subject Property, if different from
above: _____

Zoning District of Property: _____ Critical Area Designation (if applicable): _____

This Administrative Variance is for (*please check type of variance*):

1. ____ Yard Setback(s) (*please check which yard is to be varied and desired distance*):

____ Rear Yard of _____ feet.

____ Front Yard of _____ feet.

____ Side Yard of _____ feet.

____ Corner Side Yard of _____ feet.

____ Waterway Yard of _____ feet.

2. ____ Impervious Surface Coverage of _____ % is Requested.

3. ____ Expansion of a Residential Structure within 100 foot Critical Area Buffer.

Please Provide a Brief Description of the Requested Variance: _____

Owner/Applicant Signature: _____ Date: _____